



Maldives

Country Reports on Human Rights Practices - [2001](#)

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The Republic of Maldives has a parliamentary style of government with a strong executive. The President appoints the Cabinet, members of the judiciary, and one-sixth of the Parliament. The President derives additional influence from his constitutional roles as the "Supreme authority to propagate the tenets of Islam." Political parties officially are discouraged, and candidates for the unicameral legislature, the People's Majlis, run as individuals. The Majlis selects a single presidential nominee who is approved or rejected in a national referendum. President Gayoom was approved for a fifth 5-year term in 1998. The Majlis must approve all legislation and is empowered to enact legislation without presidential approval. Civil law is subordinate to Shari'a (Islamic law), but civil law generally is applied in criminal and civil cases. The judiciary is subject to executive influence.

The National Security Service (NSS) performs its duties under effective civilian control. The NSS includes the armed forces and police, and its members serve in both police and military capacities during their careers. The Director of the NSS reports to the Minister of Defense. The police division investigates crimes, collects intelligence, makes arrests, and enforces house arrest.

Tourism and fishing provide employment for more than one-half of the work force. Tourism accounts for 30 percent of government revenues and roughly 70 percent of foreign exchange receipts. The population is approximately 270,000. Agriculture and manufacturing continue to play a minor role in the economy, which is constrained by a severe shortage of labor and lack of arable land. In 2000 gross domestic product (GDP) per capita was \$1,455 (17,128 Rufiyaa), and the GDP growth rate was approximately 5 percent.

The Government generally respected the human rights of its citizens; however, problems remain in some areas. The President's power to appoint a significant portion of the Parliament constrains citizens' ability to change their government. The Government limits freedom of assembly and association. There were significant restrictions on the freedom of religion. In the past, the Government has detained arbitrarily and expelled foreigners for proselytizing and detained citizens who converted. Although the Government has undertaken a number of programs addressing women's issues, women faced a variety of legal and social disadvantages. The Government also restricted certain worker rights. A continued easing of government restrictions and the Press Council's balanced handling of issues related to journalistic standards allowed a greater diversity of views in the media.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them. There were no reports of beatings or other mistreatment of persons in police custody during the year. There were no reports of public floggings (which are allowed under Shari'a as interpreted in the country), as in past years. Punishments usually are confined to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll. The Government generally permits those who are banished to receive visits by family members.

The country's prison was destroyed by fire in 1999. Following the fire, the Government transferred prisoners to a temporary facility, which houses a fluctuating population of approximately 300 inmates.

Prison conditions at the existing facility, including food and housing, generally are adequate. Prisoners are allowed to work and are given the opportunity for regular exercise and recreation. Spouses are allowed privacy during visits with incarcerated partners. The Government is surveying prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison, and it has requested training for prison guards. Women are held separately from men. Children are held separately from adults. Persons arrested for drug use are sent to a "drug rehabilitation center" (on a space available basis) where sleeping quarters and most activities are segregated; although common areas are shared by all.

The Government has permitted prison visits by foreign diplomats. The issue of visits by human rights groups was not known to have arisen during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that no person shall be arrested or detained for more than 24 hours without being informed of the grounds for arrest or detention.

Police initiate investigations based on suspicion of criminal activity or in response to written complaints from citizens, police officers, or government officials. They are not required to obtain warrants for arrests. Based on the results of police investigations, the Attorney General refers cases to the appropriate court. The authorities generally keep the details of a case confidential until they are confident that the charges are likely to be upheld. In the past, persons have been held for long periods without charge, but there were no reports of such occurrences during the year.

Depending upon the charges, a suspect may remain free, be detained in prison, or placed under house arrest for 15 days during investigations. The President may extend pretrial detention for an additional 30 days, but in most cases the suspect is released if not brought to trial within 15 days. Those who are released pending trial may not leave a specific atoll. Within 24 hours of an arrest, an individual must be told of the grounds for the arrest. An individual can then be held for 7 days. If no legal proceedings have been initiated within 7 days, the case is referred to an anonymous 3-member civilian commission appointed by the President that can authorize an additional 15 days of detention. After that time, if legal proceedings still have not been initiated, a judge must sanction the continued detention on a monthly basis. Although there is no right to legal counsel during police interrogation, detainees are granted access to family members. There is no provision for bail.

The Government may prohibit access to a telephone and nonfamily visits to those under house arrest. While there have been no reported cases of incommunicado detention in the past few years, the law does not provide safeguards against this abuse.

Member of Parliament (MP) Abdullah Shakir was arrested in July and released the following month. There is some dispute as to why he was arrested; the Government states he was arrested on a purely civil matter, which has since been resolved, but international human rights groups claim that he was arrested for his support of a petition to form political parties in the country (see Section 2.b.).

There were no reports of the external exile of citizens during the year. In the past, the Government sometimes has banished convicted criminals to inhabited atolls away from their home communities, but there were no reports of this occurring during the year.

e. Denial of Fair Public Trial

The Constitution does not provide for an independent judiciary, and the judiciary is subject to executive influence. In addition to his authority to review High Court decisions, the President influences the judiciary

through his power to appoint and dismiss judges, all of whom serve at his pleasure and are not subject to confirmation by the Majlis. The President also may grant pardons and amnesties.

There are three courts: One for civil matters; one for criminal cases; and one for family and juvenile cases. On the recommendation of the Ministry of Justice, the President appoints a principal judge for each court. There is also a High Court in Male, which is independent of the Justice Ministry and which handles a wide range of cases, including politically sensitive ones. The High Court also acts as court of appeals. High Court rulings can be reviewed by a five-member advisory council appointed by the President. The President also has authority to affirm judgments of the High Court, to order a second hearing, or to overturn the Court's decision. In addition to the Male court, there are 204 general courts on the islands.

There are no jury trials. Most trials are public and conducted by judges and magistrates trained in Islamic, civil, and criminal law. Magistrates usually adjudicate cases on outer islands, but when more complex legal questions are involved, the Justice Ministry will send more experienced judges to handle the case.

The Constitution provides that an accused person be presumed innocent until proven guilty, and that an accused person has the right to defend himself "in accordance with Shari'a." During a trial, the accused also may call witnesses, and be assisted by a lawyer. Courts do not provide lawyers to indigent defendants. Judges question the concerned parties and attempt to establish the facts of a case.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in certain acts such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions should come directly from the parties involved. However, the High Court allows legal counsel in all cases, including those in which the rights to counsel was denied in lower court. Under the country's Islamic practice, the testimony of two women is required to equal that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women are equal.

There were no confirmed reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits security officials from opening or reading letters, telegrams, and wireless messages or monitoring telephone conversations, "except as expressly provided by law." The NSS may open the mail of private citizens and monitor telephone conversations if authorized in the course of a criminal investigation.

Although the Constitution provides that residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The Attorney General or a commanding officer of the police must approve the search of private residences.

The government policy to encourage a concentration of the population on the larger islands continued, and the policy generally was successful in moving a significant number of citizens to the larger islands.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law prohibits public statements that are contrary to Islam, threaten the public order, or are libelous. The Penal Code prohibits inciting citizens against the Government. However, an amendment to the Penal Code decriminalized "true account(s)" by journalists of governmental actions.

Regulations that make publishers responsible for the content of the material they published remain in effect, but no legal actions against publishers were initiated during the year.

The Press Council is composed of lawyers, private and government media representatives, and other government officials. The Council reviews charges of journalistic misconduct (advising the Ministry of Information, Arts, and Culture on measures to be taken against reporters, when appropriate) and promotes professional standards within the media by recommending reforms and making suggestions for improvement. Private journalists have said that they are satisfied with the Council's objectivity and performance. The Government agreed that private journalists, rather than the Government, should take responsibility for preparation of a journalistic code of ethics. Individual newspapers and journals established their own ethical guidelines in many cases.

Most major media outlets are owned either by the Government or its sympathizers. Nonetheless, these sympathetic outlets do on occasion strongly criticize the Government.

Almost 200 newspapers and periodicals are registered with the Government, only some of which publish on a regular basis. Aafathis, a morning daily, often is critical of government policy, as is the Monday Times, a weekly English language magazine. Two dailies, Miadhu and Haveeru, are progovernment.

The Government owns and operates the only television and radio stations. It does not interfere with foreign broadcasts or with the sale of satellite receivers. Reports drawn from foreign newscasts are aired on the Government television station. Cable News Network (CNN) is shown daily, uncensored, on local television.

There were no reports of government censorship of the electronic media; nor were there closures of any publications or reports of intimidation of journalists.

Television news and public affairs programming routinely discussed topics of concern and freely criticized government performance. Regular press conferences with government ministers instituted in 1995 continued. Journalists are more self-confident than in the past; self-censorship appears to have diminished, although it remains a problem. Since it is not clear when criticism violates the law prohibiting public statements that are contrary to Islam, threaten the public, or are libelous, journalists and publishers continue to watch what they say, particularly on political topics, to avoid censure by the Government.

There are no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values. No seizures of foreign publications were reported during the year.

The Internet is available. There were no government attempts, other than blocking pornographic material, to interfere with its use.

There are no reported restrictions on academic freedom. Some teachers reportedly are vocal in their criticism of the Government.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly "peaceably and in a manner that does not contravene the law;" however, the Government imposes limits on this right in practice. The Home Ministry permits public political meetings during electoral campaigns, but limits them to small gatherings on private premises.

The Government registers clubs and other private associations if they do not contravene Islamic or civil law. The Government imposes some limits on freedom of association. While not forbidden by law, the President officially discourages political parties on the grounds that they are inappropriate to the homogeneous nature of society. The President reaffirmed this position when he decided against a petition to form a political party in June. One signatory to the petition was M.P. Abdullah Shakir.

Shakir later was arrested, but was released soon thereafter. Some observers believe that his arrest was connected to his support for the creation of political parties in the country, but the Government maintains that he was arrested in connection with a civil matter (see Section 1.e.). During the year, many Majlis members were active and outspoken critics of the Government and called for closer parliamentary examination of government policy.

Although not prohibited, there are no active local human rights groups in the country. The Government has been responsive to requests from foreign governments and international organizations to examine human rights issues. While the Government also does not prohibit labor unions, it recognizes neither the right to form them nor the right to strike. There were no reports of efforts to form unions or to strike during the year.

c. Freedom of Religion

Freedom of religion is restricted significantly. The Constitution designates the Sunni branch of Islam as the official state religion, and the Government interprets this provision to impose a requirement that citizens be Muslims. The practice of any religion other than Islam is prohibited by law. Foreign residents are allowed to practice their religion if they do so privately and do not encourage citizens to participate. President Gayoom repeatedly has stated that no other religion should be allowed in the country, and the Home Affairs Ministry has announced special programs to safeguard and strengthen religious unity. The President, the members of

the People's Majlis, and cabinet members must be Muslims.

There are no places of worship for adherents of other religions. The Government prohibits the importation of icons and religious statues, but it generally permits the importation of individual religious literature, such as Bibles, for personal use. It also prohibits non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of Shari'a and may result in punishment. In the past, would-be converts have been detained and counseled regarding their conversion from Islam. Foreigners have been detained and expelled for proselytizing. Unlike in previous years, there were no reports of foreigners being detained for proselytizing.

Islamic instruction is a mandatory part of the school curriculum, and the Government funds the salaries of religious instructors. The Government has established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The Government also has set standards for individuals who conduct Friday services at mosques to ensure adequate theological qualifications, and to ensure that services are not dominated by radicals.

Under the country's Islamic practice, certain legal provisions discriminate against women (see Sections 1.e., 3, and 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel at home and abroad, to emigrate, and to return. Because of overcrowding, the Government discourages migration to the capital island of Male or its surrounding atoll. Foreign workers often are housed at their worksites. Their ability to travel freely is restricted, and they are not allowed to mingle with the local population on the islands.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the year. The Government cooperates with the office of the U.N. High Commissioner for Refugees. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens' ability to change their government is constrained, and the strong executive exerts significant influence over both the legislature and the judiciary. Under the Constitution, the Majlis chooses a single presidential nominee, who must be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for president are not permitted to campaign for the nomination. The nominee is then confirmed or rejected by secret ballot in a nationwide referendum. From a field of five candidates, President Gayoom was nominated by the Majlis and was confirmed by referendum for a fifth 5-year term in 1998. Observers from the South Asian Association for Regional Cooperation found the referendum to be free and fair.

The Office of the President is the most powerful political institution. The Constitution gives Shari'a preeminence over civil law and designates the President as the "supreme authority to propagate the tenets" of Islam. The President's authority to appoint one-sixth of the Majlis members, which is one-third of the total needed for nominating the president, provides the president with a power base and strong political leverage. The President also is Commander in Chief of the armed forces, the Minister of Defense and National Security, the Minister of Finance and Treasury, and the Governor of the Maldivian Monetary Authority.

The elected members of the Majlis, who must be Muslims, serve 5-year terms. All citizens over 21 years of age may vote. Of the body's 50 members, 42 are elected and the President appoints 8 members. Individuals or groups are free to approach members of the Majlis with grievances or opinions on proposed legislation, and any member may introduce legislation. There are no political parties, which are officially discouraged (see Section 1.b.).

Relations between the Government and the Majlis have been constructive. The Government may introduce legislation but may not enact a bill into law without the Majlis' approval. The Majlis may enact legislation into law without presidential assent if the President fails to act on the proposal within 30 days or if a bill is repassed with a two-thirds majority. In the past few years, the Majlis increasingly has become independent, challenging government policies and rejecting government-proposed legislation.

For the past several years, the Majlis has held a question period during which members may question

government ministers about public policy. Debate on the floor since the question period was instituted has become increasingly sharp and open. Elections to the People's Majlis were last held in 1999. According to observers from the South Asian Association for Regional Cooperation (SAARC), the elections were generally free and fair.

The percentage of women in government and politics does not correspond to their percentage of the population. Women are not eligible to become president but may hold other government posts. However, for reasons of tradition and culture, relatively few women seek or are selected for public office. In order to increase participation by women in the political process, the Government continued a political awareness campaign in the atolls. In the November 1999 elections, six women ran for seats and two were elected. During the 1999 elections, observers from the SAARC noted that women participated equally in the electoral process. Following the elections, President Gayoom appointed an additional three women to the Majlis.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although not prohibited, there are no active local human rights groups. The Government has been very responsive to the interest of foreign governments in examining human rights issues. A number of international human rights organizations, such as UNICEF, are present in the country. The Government cooperates with these international organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the equality of all citizens before the law, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally have been disadvantaged, particularly in terms of the application of Shari'a, in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women

Women's rights advocates agree that domestic violence and other forms of violence against women are not widespread. There are no firm data on the extent of violence against women because of the value attached to privacy. Police officials report that they receive few complaints of assaults against women. Rape and other violent crimes against women are extremely rare. Under Shari'a the penalty would be flogging, banishment, or imprisonment for up to 5 years.

Although women traditionally have played a subordinate role in society, they participate in public life in growing numbers and gradually are participating at higher levels. Women constitute 38 percent of government employees, and approximately 10 percent of uniformed NSS personnel. Well-educated women maintain that cultural norms, not the law, inhibit women's education and career choices. However, during the year, the Government continued law literacy programs and workshops on gender and political awareness in the outer atolls to make women aware of their legal rights. The Government also has built 15 women's centers in the atolls, which are facilities where family health workers can provide medical services. The centers also provide libraries and space for meetings and other activities with a focus on the development of women.

Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent any mutual agreement to divorce. Shari'a also governs intestate inheritance, granting male heirs twice the share of female heirs. A woman's testimony is equal only to one-half of that of a man in matters involving adultery, finance, and inheritance (see Section 1.e.). Women who work for wages receive pay equal to that of men in the same positions.

In 2000 the Cabinet created a Gender Equality Council to serve as an advisory body to the Government to help strengthen the role of women in society and to help ensure equal participation by women in the country's development; however, there were no reports of specific council actions during the year.

Children

The Government does not have a program of compulsory education, but it provides universal access to free primary education. The percentage of school-age children in school was as follows: (grades 1 to 5) 99 percent; (grades 6 to 7) 96 percent; and grades (8 to 10) 51 percent. Of the students enrolled, 49 percent are female and 51 percent are male. In many instances, education for girls is curtailed after the seventh grade, largely because parents do not allow girls to leave their home island for an island having a secondary school. Nevertheless, women enjoy a higher literacy rate (98 percent) than men (96 percent). The Government is

committed to the protection of children's rights and welfare. The Government is working with UNICEF to implement the rights provided for in the U.N. Convention on the Rights of the Child. The Government has established a National Council for the Protection of the Rights of the Child. Government policy provides for equal access to educational and health programs for both male and female children.

Children's rights are incorporated into law, which specifically protects them from both physical and psychological abuse, including abuse at the hands of teachers or parents. The Ministry of Women's Affairs and Social Welfare has the authority to enforce this law, takes its responsibility seriously, and has received strong popular support for its efforts. Although unable to provide an exact number, the Ministry noted that there continued to be reports of child abuse during the year, including sexual abuse. Penalties for the sexual abuse of children range from banishment to imprisonment for up to 3 years. It is not known if there were any prosecutions for child abuse or child sexual abuse during the year. The Government is reviewing the law to see if improvements and additional protections are necessary.

Persons with Disabilities

There is no law that specifically addresses the rights of persons with physical or mental disabilities. In 1999 the Government initiated a survey that identified 30,000 persons with disabilities in the country (primarily hearing and visually impaired). The Government has established programs and provided services for persons with disabilities.

Persons with disabilities usually are cared for by their families. When family care is unavailable, persons with disabilities are kept in the Institute for Needy People, which also assists elderly persons. The Government provides free medication for all mentally ill persons in the islands, and mobile teams regularly visit mentally ill patients. In 1999 the Government enacted a new building code, which mandated that all new government buildings and jetties must be accessible to persons with disabilities. This law was being implemented at year's end.

Section 6 Worker Rights

a. The Right of Association

While the Government does not expressly prohibit unions, it recognizes neither the right to form them nor the right to strike. There were no reports of efforts to form unions or of strikes during the year. However, small groups of similarly employed workers with mutual interests (for example fishermen) have formed associations, which include employers as well as employees. These associations may address a variety of issues, including workers' rights.

The work force consists of between 70,000 and 75,000 persons, including expatriate labor and seasonal and part-time workers. The approximately 27,000 foreigners who work in the country make up almost half of the workers in the formal sector; most are employed in hotels, the retail and wholesale trade, factories, or on construction projects. The Government employs approximately 22,000 persons, both permanent and temporary. It estimates that the manufacturing sector employs approximately 15 percent of the labor force and tourism another 10 percent.

Although workers can affiliate with international labor federations, this generally has not been the case. However, it is believed some seamen have joined such federations.

In 1995 the U.S. Government suspended the country's eligibility for tariff preferences under the U.S. Generalized System of Preferences because the Government failed to take steps to afford internationally recognized worker rights to workers.

b. The Right to Organize and Bargain Collectively

The law neither prohibits nor protects workers' rights to organize and bargain collectively. Wages in the private sector are set by contract between employers and employees and are usually based on the rates for similar work in the public sector. There are no laws specifically prohibiting antiunion discrimination by employers against union members or organizers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced or compulsory labor; however, there were no reports that such practices occurred. The Government does not specifically prohibit forced and bonded labor by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

There is no compulsory education law, but almost 98 percent of school-age children to grade 7 are enrolled in school (see Section 5). The law bars children under 14 years of age from "places of waged work and from work that is not suitable for that child's age, health, or physical ability or that might obstruct the education or adversely affect the mentality or behavior of the child." The law also prohibits government employment of children under the age of 16. There are no reports of children being employed in the small industrial sector, although children work in family fishing, agricultural, and commercial activities. The hours of work of young workers are not limited specifically by statute. The Government does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occurred. A Unit for Children's Rights in the Ministry of Women's Affairs and Social Welfare is responsible only for monitoring compliance with the child labor regulations, not enforcement.

e. Acceptable Conditions of Work

The regulations for employee relations specify the terms that must be incorporated into employment contracts and address such issues as training, work hours, safety, remuneration, leave, fines, and termination. There is no national minimum wage for the private sector, although the Government has established wage floors for certain kinds of work such as government employment, which provides a decent standard of living for a worker and family. Given the severe shortage of labor, employers must offer competitive pay and conditions to attract skilled workers.

There are no statutory provisions for hours of work, but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. In the public sector, a 7 hour day and a 5 day workweek have been established through administrative circulars from the President's office. Overtime pay in the public sector was instituted in 1990. There are no laws governing health and safety conditions. There are regulatory requirements that employers provide a safe working environment and ensure the observance of safety measures. It is unclear whether workers can remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Trade, Industries, and Labour has a Labour Dispute Settlement Unit to resolve wage and labor disputes and to visit worksites and enforce labor regulations.

With the help of the ILO, two draft labor laws were prepared in 1998: One to address issues such as the right of association, the right to organize, and acceptable work conditions related to health, environment, employer-employee relations, leave, and termination, and the other to deal with social security, pensions, and provident funds. These laws had not been enacted by year's end.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country. The Attorney General's Office believes that should a case arise, it could be addressed under Shari'a.